IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2532 OF 2004

M/s. K.B. Investments and 2 Ors. ... Petitioners

Versus

Prakash M. Bora and anr. ...Respondents

None for the petitioner.
Mr. U.V. Yerunkar for respondent No.1.
Dr. F.R. Shaikh, Additional Public Prosecutor, for the State.

CORAM: **KSHITIJ R. VYAS, C.J.**
DATE: **APRIL 07, 2006**.

P.C.

The petitioners, who are accused Nos. 1, 2 and 3 in Criminal Case No. 235/S/97 pending in the Court of the Metropolitan Magistrate, 27th Court, Mulund, Mumbai, have filed this petition under Article 227 of the Constitution of India and Section 482 of the Code of Criminal Procedure for quashing and setting aside the aforesaid case pending against them and to discharge/acquit the petitioners.

2. It may be stated that the accused are facing the charges under Section 138 read with Sections 141 and 142 of the Negotiable Instruments Act. The learned Metropolitan Magistrate by his order dated 8th October, 2004, has already rejected the application filed by

the petitioners for discharge.

3. When the matter is called out, neither the petitioners nor the counsel for the Petitioners are present. It is stated on behalf of respondent No.1 and learned Additional Public Prosecutor appearing for the State that the trial against the petitioners is already commenced and by this time two witnesses have already been examined. In view of this development in the matter, I see no reason to examine the prayer for quashing the proceedings and discharging the petitioners. Petition is accordingly rejected.

CHIEF JUSTICE